

## ***Topsfield Conservation Commission***

### **Minutes for June 27, 2007**

Topsfield Library Conference Room

Present: Walter Harmer, Chair, Wade Goldman, Ralph Stump, Thomas Warren, and Lana Spillman, Administrator.

Absent: Dylan Cadwalader, John Olcott.

*Note: Minutes Secretary Hilary Hafner transcribed minutes of the first six hearings from the Administrator's notes.*

Harmer called the meeting to order at 7:11 p.m. with a quorum present.

John McArdle also was present. He is the new liaison from the Board of Selectmen.

Chairman the Harmer signed the Easement Document for 290 Ipswich Road property; Commissioners signed the bill list for the gift toward purchase by Essex County Greenbelt.

#### **HEARINGS:**

**Continuation NoI 307-0587: 417 Boston Street**, (Map 12, Lot 32) Surrey Development Corporation/Neve-Morin Group, Inc. John Morin and Greg Hochmuth represented the applicant. The TCC site visit was June 20<sup>th</sup>. A Bylaw waiver request had been submitted previously. Stump moved to accept the revised plans for discussion with no formal decisions being made tonight, waiving the 7-day-prior submission policy. The motion was seconded and passed unanimously. Mr. Morin discussed the revised plans, explaining that they propose enhancing the Buffer Zone as mitigation for expansive paving and stormwater drainage structures in Buffer Zone. Hochmuth added that major revegetation with diverse plantings are proposed in the Buffer Zone. Harmer clarified that what was being proposed is not mitigation and requested that the proposed detention pond be flattened, to look like less of a detention pond. There was a question about whether all relevant local permits have been applied for. Commissioners are concerned about the amount of parking area/pavement, including some in the Buffer Zone, and relevant stormwater issues. Goldman asked if there had been consideration of having the new building adjoin the existing building, to which Morin replied that there is a site access issue and a center access is needed, so that is not a possibility. Stump moved to continue the hearing to July 11, 2007, in order to hear from the Natural Heritage and Endangered Species Program and to receive requested information. The motion was seconded and passed unanimously.

**Continuation NoI 307-0588: 20 Aaron Drive**, (Map 12, Lot 8) Lori & Jeffrey Peacock, Jr./Neve-Morin Group, Inc. Greg Hochmuth represented the applicant. The TCC site visit was June 20<sup>th</sup>. Stump moved to accept the revised plans for discussion with no formal decisions being made tonight, waiving the 7-day-prior submission policy. The motion was seconded and passed unanimously. Mr. Hochmuth discussed the proposal, the site walk, the revised plan, and the revision of the MAHW boundary of Howlett Brook, which was made in the field at the site visit. Two new flags were placed, one 25 feet and one 49 feet from the original flags, resulting in the need to move the proposed patio location slightly. The Commission asked Hochmuth to calculate the percentage of alteration of Riverfront

Area, including the house in the calculations, to which Mr. Hochmuth agreed. Spillman pointed out that the “detention pond” should be treated as a wetland. Hochmuth agreed, stating that he would eliminate WF 100 on the plan and make the line continuous. Hochmuth requested that the TCC consider mitigation for impacts rather than requiring that the project be reduced in scale, and he agreed to work on a plan to restore vegetation to the Buffer Zone. Stump moved to continue the hearing under the Act and Bylaw to July 11, 2007, in order to receive the information that has been requested at tonight's meeting. The motion was seconded and passed unanimously.

**Continuation NoI 307-\_\_\_: Asbury Street Bridge and Rowley Bridge Road Bridge**, (Maps 21 and 55) Town of Topsfield/Richard Benevento of Jacobs Edwards & Kelcey. The DEP comment sheet with file number has not arrived. Stump moved to continue to July 11, 2007. The motion was seconded and passed unanimously.

**NoI 307-\_\_\_: 1 Ledgewood Circle**, (Map 20, Lot 16), David and Joseph Sunderland. This is an after-the-fact filing for the removal of numerous mature trees in the Buffer Zone and the proposed removal of more mature trees and tree trimming in the Buffer Zone and in the Bordering Vegetated Wetland. Abutter Notifications were submitted previously. Warren read the legal ad. David and Joseph Sunderland were present and discussed their project. Harmer said that TCC needed to make a site visit. David Sunderland discussed a letter from the fire department, stating that the letter says that there is a fire hazard with the tree branches overhanging the house. Joseph explained that a multi-trunk tree is causing the problem with the chimney. Spillman offered that the tree could be removed under an Emergency Certification. Stump moved to issue an Emergency Certification for removal of one multi-trunk tree. The motion was seconded and passed unanimously. Stump then also moved to continue the hearing under the Act and Bylaw to July 11, 2007 in order to have a site visit and to receive the DEP comment sheet with file number. The motion was seconded and passed unanimously. A site visit was scheduled for Monday, July 9, at 5:30 p.m.

#### **DISCUSSION:**

**Expired OoC 307-0384: 207 Boston Road/Topsfield Fairgrounds**, (Maps 57 and 49, Lots 4 and 82), Jamie O'Brien, Director and Frank DiLuna, Executive Board of Directors. Jamie O'Brien and Frank DiLuna were there to present. Mr. O'Brien said the Fairgrounds is seeking permission for this year's fireworks display. Goldman explained that they were issued an Order of Conditions (OoC) about five years ago and that a number of requirements of that Order have not been fulfilled. Furthermore, the OoC has expired. Mr. DiLuna said they were not aware of some of the terms of the OoC, explaining that their previous manager left. A tree that has fallen across the river was discussed. Harmer said it would be all right to drag it out. A problem with stones pushed into the river from the Route 97 parking lot was discussed. Spillman suggested a new, simplified NoI, which would address the conditions from the first OoC that have not been met. Mr. DiLuna and Mr. O'Brien agreed to this. TCC agreed that a new delineation would not be required. Harmer asked that they notify TCC before they do work on the property, as most of the property is in Riverfront Area. Mr. DiLuna said they would file a NoI and return in about a month. Stump made a motion to have Spillman write a letter allowing the fireworks on the first Friday night in September. The motion was seconded and passed unanimously.

#### **HEARING:**

**Amended OoC 307-0551: 94 South Main Street**, (Map 49, Lot 27), Tim Collins/Meridian Associates, Inc. The proposal is to install a 1500-gallon septic tank and associated piping within

Buffer Zone of BVW and within Riverfront Area of Cleaveland Brook. April Ferraro of Meridian Associates represented. Proofs of abutter notification were submitted previously. Warren read the legal ad. Ms. Ferraro submitted a revised plan with a slight shift in the pipe location and tank location, due to the sub-soils, saying this would be a temporary disturbance. Stump moved to accept the plan and waive the 7-day-prior policy. The motion was seconded and passed unanimously. Ferraro discussed the existing OoC, and explained that many of the hay bales remain. Goldman moved to close the hearing and issue an amended OoC under the Act and the Bylaw with special conditions as discussed. The motion was seconded and passed unanimously.

## **DISCUSSION:**

**Maintenance of Trails in Town.** Joe Geller, Chairman of the Open Space Committee and Chairman of the Rail Trail Committee, was present for the discussion. He explained that they would like to mow grass and keep the vegetation down on Town-owned land and BTA-leased land to keep the rail trail clear in Town. He added that they would like to have guidelines for the clearing, and proposed clearing not more than 6 or 8 feet in width. Rail Trail abutter Bob Morgan of 20 Washington Street requested that the same level of diligence be applied to the whole trail as is being applied to the Phase I section – between Washington Street and Main Street. Morgan expressed his concern that if the flow of a nearby stream were changed it would affect the wetland on his property. He suggested that TCC walk the entire proposed Rail Trail and identify all the wet areas. TCC explained that a RDA is on the agenda of the next TCC meeting to discuss the Rail Trail in the Phase I area. Harmer added that this was not the place for a public discussion about the pros and cons of a rail trail. Warren suggested that guidelines should be established with respect to what is the potential of alterations of the wetland or Buffer Zone – TCC should be concerned with jurisdictional areas. Spillman suggested that TCC could allow maintenance/clearing of the trail to a certain width. Because of the values and sensitivity of the nearby Wetlands Resource Areas, Harmer said that he would not like to see any clearing of the trail in the area of the (SBWSB) canal now and suggested a clearing width in other areas of 4 feet. Warren moved to have Lana draft a Consensus Policy for trail cutting, specifically just for the Rail Trail. The motion passed by majority of those present (3), with Stump abstaining. Geller stated that they would like to replace the decking on the bridge over the canal. Spillman suggested that he consult with the Building Inspector since an application may be needed (if so, the Conservation Commission office would review it at that time).

**MINUTES:** Goldman moved to approve the minutes of February 7, 2007 as amended. The motion was seconded and passed unanimously.

## **REQUESTS:**

**CoC 307-0466: 35 Prospect Street,** (Map 40, Lot 4), Marco and Andrea Lara. No action was taken since a site visit is needed.

**CoC 307-0543: 35 Willowdale Road,** (Map 14, Lot2 14,15,16), David Smith. Mr. and Mrs. Smith were present and discussed their request for a CoC on behalf of themselves and their neighbors. Mr. Smith explained that deer ate the blueberry bushes he had planted in accordance with the OoC requirements, which also give the option of a split-rail fence. He offered to instead place large stones every six feet along the boundary of the lawn/cleared area in the back. In order to re-establish the Buffer Zone area that had been cleared, TCC asked that large stones or boulders be placed every three feet on center along the back lawn/cleared area boundary, so that it would be difficult for someone to mow the area with a mower. Mr. Smith is to call Spillman when the

boulder placement has been completed.

**CoC 307-0513: 32 Brookside Road**, (Map26, Lot 39), Brenda Garabegian. Spillman reported that at a site inspection she found that one Conservation Post has been broken (snow plow?) and is lying on its side in the nearby woods. TCC will reconsider the request after that post (with placard) has been reinstalled or replaced.

**CoC 307-0540: 96 Parsonage Lane**, (Map17, Lot 5) Joseph Schraffa, Jr. There are two outstanding OoCs – this one is for the septic system. Conservation Posts have not been installed (OoC requirement). TCC will reconsider the request once the posts have been installed.

#### **OLD BUSINESS, UPDATES, & MISCELLANEOUS:**

**120 High Street**, (Map 49, Lot 56), Hickory Beech Realty Trust/Joseph Falzone, Trustee –Open Space deed – update and discussion. A letter had been submitted to the Selectmen and sent to the Planning Board the previous Friday, reiterating the Commission’s concerns about Open Space being conveyed to the Town through the Planning Board instead of through the Conservation Commission, and the lack of a reference to Article 97, which gives conservation land perpetual protection. Harmer explained that, after talking with several officials at the State level, the Commission has concerns about the way the conservation land is to be transferred and also has some other concerns. BoS Chairman McArdle responded that he believes that the Selectboard came to a conclusion, without a formal motion, that the Conservation Commission was incorrect.

**120 High Street**, (Map 49, Lot 56), Hickory Beech Realty Trust/Joseph Falzone, Trustee – Planting of native species and control of invasive plants update, work in progress update, and request to decrease frequency of BSC inspections. Spillman noted that some information is missing from Mark West’s communication, specifically proposed dates for the herbicide applications, and the expected timeline. Also, a planting plan for the area of Buffer Zone and wetland near High Street that was cleared is needed. TCC asked Spillman to write a letter stating what additional information is needed. The dates can be broad. Harmer suggested waiting until the next Friday to decide if site inspections could be scheduled farther apart. Warren moved to commence less frequent BSC monitoring visits, starting with every other week, at the discretion of the Chairman and the Administrator based on site inspections, starting the first of July. The motion was seconded and passed unanimously.

**290 Ipswich Road**, (Map 14, Lot 11) – Essex Co. Greenbelt Association purchase, update. The transfer of ownership is scheduled for Friday, June 29<sup>th</sup>. Spillman and Harmer have spent many hours making sure that all is in place for the closing.

**CoC 307-0377, Sign for Pye Brook Community Park** – Discussion. Spillman submitted the third draft of language to Parks and Cemeteries, also requesting wetland plant and animal, e.g. Loon and cattails, at the bottom of the sign..

**Election of Chairman:** Goldman moved to have Walt Harmer as chairman of the Conservation Commission for the next fiscal year. The motion was seconded and passed unanimously.

#### **ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Violation Notice & Ticket #2007-04: 5 Fox Run Road**, (Map 47, Lot 28), Jeffrey and Lynn Eval. The site visit was June 20<sup>th</sup>. TCC observed cut tree(s) and branches, other vegetative debris and some junk in the BVW. The brush and fill in the wetland need to be removed. Mr.

Evaul is to contact TCC after July 4<sup>th</sup>.

**Enforcement Order, Violation Notice & Bylaw Ticket #2007-03: 43 Cross Street,** (Map 62, Lot 2), Christopher Nash. TCC has received no response to the Enforcement Order and Bylaw Ticket they signed on May 15<sup>th</sup>. Access to the property has been denied.

**3<sup>rd</sup> Amended Enforcement Order: 64 Wenham Road & 255 High Street,** (Map 71, Lot 22 & Map 65, Lot 1), Stephen Bernstein No update was given.

**Enforcement Order: 50 Prospect Street,** (Map 48, Lot 12), John Molloy/Hancock Associates. No update was given.

**Amended Enforcement Order, OoC 307-0462, 39 Prospect Street,** (Map 40, Lot 97), Eliot Sherr & Mary Ellen Gardiepy. The \$2400 Bylaw ticket was paid last week.

**Violation Notice & Ticket #2006-18: 42 Washington Street,** (Map 32, Lot 133), Matthew and Stephanie Maloney. As of today TCC has not received the filing required by the District Court, and the Bylaw ticket has not been paid. The District Court hearing was continued to July 9<sup>th</sup>.

**Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street,** (Map 47, Lot 2), Andrzej Galka – update. Harmer and Spillman spent more than two hours assisting Mr. Galka with his NoI application last Thursday. As of today TCC has not received the filing required by the District Court. The Bylaw Ticket has not been paid. The District Court hearing was continued to July 9<sup>th</sup>.

**Violation Notice & Bylaw Ticket #2007-05: Route 1 and Route 97,** (Map 41) Jay Marchese. Harmer explained that Spillman had called MassHighways twice, with no response, prior to his asking her to issue the ticket issued Monday, June 25<sup>th</sup>, for failure to stabilize the areas of activities/exposed soils. Spillman received a call from the General Mgr. of Marchese Co. yesterday. He said he would put stabilization measures in place today and also stated that the fine would be paid.

**ADMINISTRATOR'S REPORT:**

**Town Flood concerns – committee,** update. No update was given.

**Summer Intern.** Spillman discussed the two applicants, Joanna Larson (a recent Masco graduate was one of the two TCC summer interns last year) and Miranda Giuffrida, a Masco sophomore. Goldman moved to approve two internships, up to \$450 each for the summer, to be paid from the Bylaw Revolving Account, and to hire Joanna and Miranda to fill the positions.

**Revisions to Regulations, Policies.** TCC discussed the need for revisions but not specific possible revisions.

Goldman moved to adjourn the meeting at 10:32 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,

Lana Spillman, Topsfield Conservation Administrator

*Approved at the TCC meeting on August 22, 2007.*